IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY
WRIT PETITION NO : 6572 of 1997

Between:

S. Byragi, S/o. Polaiah, Occ: Salesman
Girijan Cooperative Corporation Ltd.,
Seetampet branch, Srikakulam district

..... PETITIONER

AND

1. The Vice-Chairman & Managing Director,
   Girijan Cooperative Corporation Ltd.,
   Visakhapatnam.
2. The Board of Directors of Girijan Cooperative
   Corporation Ltd., Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for and pursue the records relating to Proceedings RC.No.3019/94/Admn.6, dated 21.02.1997 of the first respondent herein and quash the same by the issuance of certiorari or any other appropriate Writ, order or direction of the like nature and pass such other order or further orders with all consequential benefits.

Counsel for the Petitioner: MR.M.KESAVA RAO

Counsel for the Respondent No.1: MR..C.V. MOHAN REDDY

Counsel for the Respondent No.2: MR. N. SRIDHAR REDDY

The Court made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the order of dismissal from service by the first respondent.

This Court, while admitting the writ petition, passed an order of suspension and the petitioner is continuing in service.

At the time of hearing, it is represented that even before filing the present writ petition, the petitioner filed an appeal before the second respondent on 11.03.1997 and the said appeal is still pending.

As the appeal filed by the petitioner is still pending before the second respondent, it is not proper for this Court to go into the merits of the matter. Therefore, the writ petition can be disposed of in terms of the interim order, directing the second respondent to dispose of the appeal expeditiously.

The impugned order of dismissal was passed by the first respondent – Vice Chairman & Managing Director, who is also a member of the Board. The petitioner apprehends that he may also participate as a member of the Board while considering the appeal filed by the petitioner. Therefore, the second respondent is directed to consider the appeal excluding the member, who passed the order as Vice-Chairman and Managing Director of the Corporation. The interim order passed by this Court shall continue pending disposal of the appeal.

The writ petition is accordingly disposed of with the above directions. No costs.

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S. Ananda Reddy, J

Date: 21.09.2004
va

To

1. The Vice-Chairman & Managing Director,
   Girijan Cooperative Corporation Ltd.,
   Visakhapatnam.

2. The Board of Directors of Girijan Cooperative
   Corporation Ltd., Visakhapatnam.

3. Two CD Copies